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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,900	12/09/2003	Brian Jones	60001.0276US01/MS304207.1	4709

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Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

EXAMINER

VAUGHN, GREGORY J

ART UNIT	PAPER NUMBER
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2178

MAIL DATE	DELIVERY MODE
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08/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/731,900

Applicant(s)

JONES ET AL.

Examiner

Gregory J. Vaughn

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Application Background

1. This action is responsive to the Request for Continued Examination, filed on 5/29/2007.
2. Applicant has amended claims 1-11 and 13-20.
3. Claims 1-20 are pending in the case, claims 1, 11 and 14 are independent claims.
4. A request for continued examination filed under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after a final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action (dated 2/28/2007) has been withdrawn pursuant to 37 CFR 1.114.
5. The rejection of claims 1-20, as being anticipated or unpatentable over Takizawa et al., US Patent Publication 2004/0019853, as recited in the office action dated 2/28/2007, is withdrawn in view of the amended claims. However new grounds of rejection are described below.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Easy Microsoft Word 2003 by Heidi Steele, published 9/19/2003 by Que Corporation (hereinafter Steele) in view of Michaelides, US Patent Publication 2004/0181753, filed 3/10/2003, published 9/16/2004.

8. **Regarding independent claim 1**, the claim is directed toward electronic document management, and is specifically directed toward copying portions of text from one document to another, where the text formatting is maintained in the copy function. The claim is embodied in the XML computer language. Steele is a training manual for a well known electronic document management application – Microsoft Word 2003. Steele discloses that the Copy and Paste functions provided by MS Word provide format controlling paste capabilities. Steele recites: *“Understanding the Paste Options: By default, pasted text keeps it’s original (source) formatting. If you want the pasted text to take on the formatting of the text into which you pasted it click Match Destination Formatting in the Paste Options menu. To remove all it’s*

formatting, Choose Keep Text Only" (page 4 of the electronic book printout, or page 52 of the original publication). Steele discloses selecting text in a source document (page 5 of the electronic book printout, or page 53 of the original publication). Steele discloses identifying the formatting from the original document, applying the formatting to the selected text, associating the formatting with the text, and carrying the formatting with the text into the destination document in order to avoid a conflict, as described above. Steele discloses the electronic documents as web pages (page 6 of the electronic book printout, or page 216 of the original publication), however Steel fails to disclose the electronic document as an XML document. Michaelides is directed to a software adapter that controls source formats and target formats for data exchange in software applications. Michaelides discloses using copy and paste functions with XML based languages. Michaelides recites: "*The user should copy and paste the XML*" (paragraph 186).

Therefore it would have been obvious to one of ordinary skill, at the time the invention was made to provide a paste function for XML based documents, where text formatting was maintained for the pasted function because the paste function could provide the predictable result of maintaining formatting for XML based documents.

9. **Regarding dependent claims 2-8**, Steele discloses inserting the text into the destination document, (page 5 of the electronic book printout, or page 53 of the original publication). Michaelides discloses markup language documents, which inherently are processed by a parsing operation.

Processing the destination document after the paste process would inherently include parsing all of the document elements, including the recently pasted elements. The parsing process would recognize the XML markup associated with the various document elements, and process them as directed by the markup language tags. Since the newly pasted element has maintained its formatting properties (i.e. tags) from the source document, the parsing process would format the newly pasted elements apart from formatting properties of other elements in the destination document. The parsing process inherently includes locating tags in the markup, said tags providing processing instructions to the parser.

10. **Regarding dependent claims 9**, Steele and Michaelides disclose copying XML, as described above. Steele and Michaelides fail to disclose an XML tag as a `<cfChunk>` tag. However, formatting indicators in markup language documents take the form of tags. Furthermore, applicant's disclosure teaches that: *"the element <cfChunk> is illustrative of an infinite number of names that could be provided to the element"* (page 22, lines 18-19 of the originally filed disclosure), and hence would have been obvious to use any tag name to indicate the inserted text.
11. **Regarding dependent claim 10**, Michaelides disclose the use of XML schema in the appendix of the publication.
12. **Regarding independent claim 11**, the claim is substantially the same as claims 1-4 combined, and is rejected using the same rationale.

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13. **Regarding dependent claim 12**, the claim is substantially the same as claim 9, and is rejected using the same rationale.
14. **Regarding dependent claim 13**, the claim is substantially the same as claim 10, and is rejected using the same rationale.
15. **Regarding independent claim 14**, the claim is directed toward a computer-readable medium for the method of claim 1, and is rejected using the same rationale.
16. **Regarding dependent claim 15**, the claim is directed toward a computer-readable medium for the method of claims 2-4 combined, and is rejected using the same rationale.
17. **Regarding dependent claims 16-19**, the claims are directed toward a computer-readable medium for the method of claims 5-8, and are rejected using the same rationale.
18. **Regarding dependent claim 20**, the claim is directed toward a computer-readable medium for the method of claim 10, and is rejected using the same rationale.

Response to Arguments

19. Applicant's arguments with respect to claim 1-20 have been considered but are moot in view of the new ground(s) of rejection, as described above

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached on Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Vaughn/
Patent Examiner
August 3, 2007